

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/273,221

Inventors: Duarte et al.

Filed: March 19, 1999

Title: ULTRASONIC TREATMENT FOR WOUNDS

Docket No.: 23-31-0025

Assistant Director for Patents
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
AND REVOCATION OF PRIOR POWERS**

Sir:

The undersigned, as Assistant Secretary for Exogen, Inc., certifies that Exogen, Inc. is the assignee of the entire interest in the above-identified patent application pursuant to an assignment from the inventors to Exogen, Inc., a copy of which is attached. The undersigned has reviewed the documents in the chain of title of the patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned (whose title is supplied below) further certifies that he is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so

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Power of Attorney by Assignee of Entire Interest
and Revocation of Prior Powers

made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.

As assignee of record of the entire interest in the above-identified patent application, Exogen, Inc. hereby revokes all powers of attorney previously given and hereby appoints the following attorneys to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith:

Attorney and/or Agent	Registration No.
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Bernard J. Graves, Jr.	33,239
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J. Jason Link	44,874
Bambi F. Walters	45,197
J. Michael Boggs	P46,563
Adam E. Crall	P46,646
Kyle M. Globberman	P46,730
Tywanda L. Harris	P46,758

Attorney's Docket No. 601-27

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

☒ original

☐ design

☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next items; check appropriate one of last three items.

☐ national stage PCT

NOTE: If one of the following 3 items apply, then complete and also attach
ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

☐ divisional

☐ continuation

☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

ULTRASONIC TREATMENT FOR WOUNDS

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

(a) ☐ is attached hereto.

(b) ☒ was filed on February 14, 1997 as ☒ Serial No. 08/799,240

or ☐ Express Mail No., as Serial No. not yet known _____
and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) ☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____
(if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

☒ which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

(also check the following items, if desired)

☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☒ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

Note: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIM UNDER U.S.C. § 119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253;
DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494;
PETER DELUCA, Reg. No. 32,978; ADRIAN T. CALDERONE, Reg. No. 31,746;

GEORGE M. KAPLAN, Reg. No. 28,375; JEFFREY S. STEEN, Reg. No. 32,063;
JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816;
RUSSELL R. KASSNER, Reg. No. 36,183; FRANK CHAU, Reg. No. 34,136;
CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GLENN F. SAVIT, Reg. No. 37,437;
and GEORGE LIKOUREZOS, Reg. No. 40,067, each of them of DILWORTH & BARRESE, 333
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SEND CORRESPONDENCE TO

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Uniondale, NY 11553

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

David M. Carter, Esq.
(516) 228-8484

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

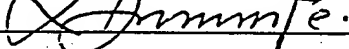
Note: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

LUIZ
(GIVEN NAME)

R.
(MIDDLE INITIAL OR NAME)

DUARTE
FAMILY (OR LAST)

Inventor's signature 

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Full name of third joint inventor, if any

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

(FAMILY OR LAST)

Inventor's signature

Date Country of Citizenship

Residence

Post Office Address

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

☐ Signature for fourth and subsequent joint inventors. Number of pages added _____.

* * *

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or
incapacitated inventor. Number of pages added _____.

* * *

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37
CFR 1.47. Number of pages added _____.

* * *

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal
representative cannot be appointed in time (37 CFR 1.47).

* * *

☐ Added pages to combined declaration and power of attorney for divisional, continuation, or
continuation-in-part (C-I-P) application.

☐ Number of pages added _____

* * *

☐ Authorization of attorney(s) to accept and follow instructions from representative.

* * *

(If no further pages form a part of this Declaration, then end this Declaration with this page
and check the following item:)

☒ This declaration ends with this page.